



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: PRATHER ET AL.

Attorney Docket No. MW015

Application Number: 10/645,820

Examiner: B. Swenson

Filed: August 18, 2003

Art Unit: 3618

For: ENHANCED SHOPPING CART WITH LOWERED CENTER
OF GRAVITY AND FRAME THEREFOR

ELECTION OF SPECIES

Commissioner of Patents
Washington, D.C. 20231

Sir:

This paper is being submitted as a response to the Examiner's Office Action mailed September 21, 2005.

Initially, applicants were misled about the time for response because the top of the Office Action Summary states that "A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION, and such reply was docketed for 3 months from the mailing date of the Action. However, rather than risk incurring excessive fees for a response which might be deemed two months late if applicants took the 3 months to respond per the Office Action Summary, it was determined that this paper ought to be submitted now, accompanied by a request for a one-month extension of time and the appropriate small-entity fee of \$60.00.

In this paper, applicants are electing a single species as required by the Examiner in the Action mailed September 21, 2005. The requirement is that applicants


elect a single disclosed species for purposes of prosecution on the merits. It is the position of the Examiner that this application contains claims directed to two patentably distinct species of the claimed invention, namely a first species depicted in Figures 1-5 and a second species depicted in Figure 6 (an alternative embodiment with a tray supported behind and below the handle with a barrier 510).

After careful review of the present application, applicants have decided to elect the species of the invention shown in Figures 1-5.

Applicants believe that claims 1-32 and 34-36 read on the elected species.

Applicants now await the results of the Examiner's initial evaluation of this application on the merits. If the Examiner has any questions or requires further information or explanation, he is invited to contact the undersigned at the telephone number provided below.

Respectfully submitted on behalf of applicants,


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Date

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